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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/620,454

Applicant(s)

TERADA, KOSEI

Examiner

HUY T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7-10 and 12-21 is/are rejected.
- 7) ☒ Claim(s) 2-6 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,9,16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Tinker et al (6,535,687).

Regarding claims 1, 9,16 and 17 , Tinker discloses a digital data processing apparatus (Fig. 3, column 1, lines 1-33, column 5, lines 15-33) comprising:

a storage section (90) that stores original digital data representative of digital contents;

a reading section (110) that reads out the original digital data from the storage section (column 4, lines 47-50); and

a generating section (120) that deteriorates a quality of the read original digital data to generate deteriorated digital data by changing the order of the pixels in the digital data to deteriorate the quality of the digital data to make the digital data incapable of providing a proper display (column 5, lines 15-28).

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Further for claims 9 and 17, Tinker teaches an input section for inputting a command for making a copy of the original digital data in a medium since Tinker teaches that the original digital data can be reproduced or read out from the medium of the storage section when needed (column 1, lines 10-17).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tinker et al in view of Imasaki et al (4,839,922).

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Regarding claims 7 and 12, Tinker inherently teaches that the storage section stores the original digital data representative of digital audio and video contents since the digital signal is a digital movie signal but fails to teach that the generating section alters the original digital data by noise data at a random timing to thereby randomly deteriorate the original digital data.

Imasaki et al teaches that an apparatus having means for deteriorating an original signal by using a timing means in a generation section for altering the original signal by noise data (Pseudo random code that make digital data incapable of providing a proper display) at a random timing (column 2, line 60 to column 3, line 34). It would have been obvious to one of ordinary skill in the art to modify Tinker with Imasaki by using a timing means as taught by Imasaki with the generating section of Tinker apparatus as an alternative means for generating the deteriorated signal by altering the original signal by noise data at a random timing.

5. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tinker et al in view of Bar-Zohar (4,575,754).

Regarding claims 8 and 13, Tinker teaches that the generating section sequentially alters the original digital data at a constant timing (21 lines) so as to deteriorate the original digital data.

Bar-Zohar further teaches that the generating section sequentially alters the original digital data at a constant timing (21 lines) so as to deteriorate the original digital data (See Bar-Zohar column 4, line 1-39).

It would have been obvious to one of ordinary skill in the art to modify Tinker with Bar-Zohar by using a timing means as taught by Bar-Zohar with the generating section of Tinker apparatus as an alternative means for generating the deteriorated signal.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tinker et al in view of Srinivasan (6,460,076).

Regarding claim 10, Tinker fails to teach that the digital data stored in the storage section is downloaded from a server.

However, it is noted that downloading digital data from a sever and storing the downloaded digital data in a storage section is well known in the art as taught by Srinivasan. Srinivasan teaches a media recorder for storing the digital data downloaded from a server (Fig. 1, column 3, line 47 to column 4, line 11). Therefore, it would have been obvious to one of ordinary skill in the art to modify Tinker with the Srinivasan by using a the teaching of Srinivasan for incorporating a receiving means for receiving downloaded digital data from a server therefore enhancing the capability and functionality of Tinker apparatus for further receiving the digital data from a server.

7. Claims 14,15, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tinker et al in view of Srinivasan (6,460,076).

Regarding claims 14,15,18 and 19, Tinker discloses a digital data processing apparatus (Fig. 3, column 1, lines 1-33, column 5, lines 15-33) comprising:

a storage section (90) that stores original digital data representative of digital contents;

a reading section (110) that reads out the original digital data from the storage section; and

a generating section (120) that deteriorates a quality of the read original digital data to generate deteriorated digital data by changing the order of the pixels in the digital signal to deteriorate the quality of the digital data to make the original digital data incapable of providing a proper display (column 5, lines 15-28).

Further for claim 18 and 19, Tinker teaches an input section for inputting a command for making a copy of the original digital data in a medium since Tinker teaches that the original digital data recorded in the medium of the storage section can be reproduce from the medium when needed (column 1, lines 10-17).

Tinker fails to teach that the digital stored in the storage section is downloaded from a server as recited in claims 14,15,18 and 19 .

However, it is noted that downloading digital data from a sever and storing the downloaded digital data in a storage section is well known in the art as taught by Srinivasan. Srinivasan teaches a media recorder for storing the digital data downloaded fr0m a server (Fig. 1, column 3, line 47 to column 4, line 11) . Therefore, it would have been obvious to one of ordinary skill in the art to modify Tinker with the Srinivasan by using a the teaching of Srinivasan for incorporating a receiving means for receiving downloaded digital data from a server therefore enhancing the capability

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and functionality of Tinker apparatus for further receiving the digital data from a server.

8. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tinker et al in view Fujinami et al (6,697,566).

Regarding claims 20 and 21, Tinker discloses a digital data processing apparatus (Fig. 3, column 1 lines 1-33, column 5, lines 15-28) for performing a method that comprising steps of :

- a storing (90) that stores original digital data representative of digital contents;
- a reading (110) that reads out the original digital data from the storage section;
- and

- a generating (120) that deteriorates a quality of the read original digital data to generate deteriorated digital data by changing the order of the pixels in the digital signal to deteriorate the quality of the digital signal (column 5, lines 15-28).

Tinker fails to teach using a program stored on a medium for executing a processor for performing the steps of the method as recited in claims 20 and 21.

However, it is noted that using a program comprising predetermined instructions stored on a medium executed by a processor for performing predetermined steps or operations of an apparatus is well known in the art as taught by Fujinami (column 2, lines 53-67). Therefore, it would have been obvious to one of ordinary skill in the art to modify Tinker with Fujinami by using a processor and a medium stored with a program comprising predetermined instructions with the apparatus of Tinker for performing the steps of deteriorating the original digital data



as disclosed by Tinker thereby saving the labor and time of the user in deteriorating the digital signal .

***Allowable Subject Matter***

9. Claims 2-6 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kimoto teaches means for deteriorating an original signal during a copying .

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER